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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,442	01/05/2001	Anne E. Robb	PC-930	5126
23717	7590	06/29/2007		
LAW OFFICES OF BRIAN S STEINBERGER 101 BREVARD AVENUE COCOA, FL 32922			EXAMINER GART, MATTHEW S	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 06/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/755,442

Applicant(s)

ROBB ET AL.

Examiner

Matthew S. Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/7/2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-9,23,24 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-9,23,24 and 32-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Prosecution History Summary

- Claims 3-5, 10-22 and 25-31 were cancelled in the instant invention.
- Claims 1-2, 6-9, 23-24 and 32-35 are pending in the instant application.

Drawings

The drawings contain improper handwritten text that may affect clarity once reproduced. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Figure 8 contains the recitation of multiple registered trademarks, (e.g., Audi, BMW, Mercedes, Volkswagen, Volvo). The specification must be amended to include a statement preceding the claim identifying the trademark material forming part of the claimed design and the name of the owner of the trademark.

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Claim Objections

The claims are objected to because the lines are crowded too closely together, making reading difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2, 6-9, 23-24 and 32-35 are rejected under 35 U.S.C. 112, second paragraph.

The Examiner notes, all the pending claims contain 35 U.S.C. 112, second paragraph rejections. Applicant's cooperation is requested in correcting all language as set forth below, and any additional issues which applicant may become aware in the claims.

Referring to claim 1-2 and 6-9

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 discloses a user having an interest in at least one of: a good, a make, an item, and a service. It is unclear what constitutes a good or a make. When items are listed in series, all items should be equivalent in terms of scope. With reference to claim 1, a "good" and "make" by definition is different than an "item" or "service", whereby a "good" or "make" denotes a specific type of "item" or "service."

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: Claim 1, requires the requesting of an

unlisted item from the web-based system by a separate buyer-user, however claiming the buyer-user to be separate from the previously recited buyer-user, causes a disconnect between said requesting step and other disclosed steps.

Claims 2 and 6-9 are dependent on claim 1 and acquire the deficiencies as set forth above.

Referring to claims 23 and 32-33

Claim 23 recites the limitation "the user" in line 14. It is unclear if this relates back to the "external end user" set forth in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: Claim 1, requires the requesting of an unlisted item from the web-based system by a separate buyer-user, however claiming the buyer-user to be separate from the previously recited buyer-user, causes a disconnect between said requesting step and other disclosed steps .

Claims 32 and 33 are dependent on claim 23 and acquire the deficiencies as set forth above.

Referring to claims 24 and 34-35

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. Claim 24 discloses a user "requesting an unlisted item from the web based system by the buyer-user, the unlisted item being for at least one of: a new good, a new make, a new item and a new service..." With reference to claim 24, a "good" and "make" by definition is different than an "item" or "service", whereby a "good" or "make" denotes a specific type of "item" or "service." Furthermore, the series listing specifically mentions an "item" in combination with a good, make or service, however the requesting function is merely limited to an item.

Claim 24 recites the limitation "the buyer-user" in line 22. It is unclear if this relates back to the "external end buyer-user" set forth in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites, "allowing the buyer-user to purchase the unlisted item from the seller user using the customer owned handheld display device." It is unclear if the "buyer-user" or "the seller-user" in the allowing step is using the handheld display device.

Claims 34 and 35 are dependent on claim 24 and acquire the deficiencies as set forth above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
Primary Examiner
June 17, 2007


MATTHEW S GART
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 3600